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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/333,565	06/21/1999	NICHOLAS STEIGELMAN	003227-031	4249

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EXAMINER

HAROLD, JEFFEREY F

ART UNIT PAPER NUMBER

2644

DATE MAILED: 07/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/333,565

Applicant(s)

STEIGELMAN, ET AL.

Examiner

Jefferey F. Harold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Information Disclosure Statement

1. The reference listed in the Information Disclosure Statement submitted on July 7, 2000, has been considered by the examiner (see attached PTO-1449).

Drawings

2. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. **Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. **Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

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Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.185(a). Failure to take corrective action within the set (or extended) period will result in **ABANDONMENT** of the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. ***Claims 1, 3, 5 and 7-11*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shahrebani (United States Patent 5,528,690), in view of Yamasaki (United States Patent 4,953,200).

Regarding **claim 1**, Shahrebani discloses a rotary base for telephones and the like. In addition, Shahrebani discloses a rotary base (10), which reads on claimed "shell", adapted to physically connect under a telephone, the rotary base having a jack (30) for connection to a telephone wire, as disclosed at column 2, line 47 through column 3, line 12,

the rotary base (8) containing interconnection logic operably connected to the ports (30 and 34) and a wire to connect to the telephone (8), as disclosed at column 2, line 47 through column 3, line 12, however, Shahrebani fails to disclose a network card for connecting to a personal computer, wherein digital data from the network card and voice data from the telephone can be alternately sent across the telephone wire.

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However, the examiner maintains that it was well known in the art to provide disclose a network card for connecting to a personal computer, wherein digital data from the network car and voice data from the telephone can be alternately sent across the telephone wire, as taught by Yamasaki.

In a similar field of endeavor Yamasaki discloses a private branch exchange capable of discriminating different types of telephone sets connected thereto. In addition, Yamasaki discloses a key telephone (14) with interconnection logic to connect voice signals and digital data to be transmitted to the pbx, wherein the data communication section (15), inherently contains a data card, as disclosed at column 2, line 25 through column 3, line 56 and exhibited in figures 1 and 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sháhrebani by specifically providing disclose a network card for connecting to a personal computer, wherein digital data from the network car and voice data from the telephone can be alternately sent across the telephone wire, as taught by Yamasaki, for the purpose of communicating with the pbx with either voice or data connection.

Regarding **claim 3**, the combination discloses everything claimed, as applied above, (see claim 1), Shahrebani discloses wherein the rotary base has a port, however, the combination fails to disclose a port to connect to the personal computer. However, the examiner maintains that it was well known in the art to provide a port to connect to the personal computer, as taught by Yamasaki.

In addition, Yamasaki discloses a modular jack (20) connected to a specific terminal device, which reads on claimed "personal computer", for data communication, as disclosed at column 3, lines 32-56 and exhibited in figure 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination by specifically providing a port to connect to the personal computer, as taught by Yamasaki, for the purpose of data communication.

Regarding **claim 5**, the combination discloses everything claimed, as applied above, (see claim 1), Shahrebani discloses wherein the rotary base is connected to the bottom of the telephone, as exhibited in figure 1.

Regarding **claim 7**, Shahrebani and Yamasaki disclose everything claimed as applied above, in addition claim 7 is interpreted and thus rejected for the reasons set forth above in the rejection of claims 1, 3 and 5.

Regarding **claim 8**, the combination discloses everything claimed, as applied above, (see claim 1), Shahrebani discloses wherein the rotary base is hollow at top, as exhibited in figures 2A and 6.

Regarding **claim 9**, the combination discloses everything claimed, as applied above, (see claim 7), Shahrebani discloses wherein the rotary base has enclosed sides, as exhibited in figures 2A and 6.

Regarding **claims 10 and 11**, the combination discloses everything claimed, as applied above, (see claim 7), in addition claim 10 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 1.

4. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shahrebani in view of Yamasaki, the combination, further in view of Aggus et al. (United States Patent 5,862,214), hereinafter referenced as Aggus.

Regarding **claim 2**, the combination disclose everything claimed, as applied above, (see claim 1), however, the combination fails to disclose fails to disclose wedged shape shell. However, the examiner maintains that it was well known in the art to provide a wedge shaped shell, as taught by Aggus.

In a similar field of endeavor Aggus discloses an adjustable base stand. In addition, Aggus discloses a wedged shape base stand module (103), as exhibited in figures 1-3.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination by specifically providing a wedged shape base, as taught by Aggus, for the purpose providing a low cost adjustable base.

5. **Claims 4 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shahrebani in view of Yamaski, the combination, further in view of well know prior art (MPEP 2144.03).

Regarding **claim 4**, combination disclose everything claimed, as applied above, (see claim 1), however, the combination fails to disclose wherein the electronics in the shell allow for a wireless connection to the personal computer. However, the examiner

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takes official notice of the fact that it was well know in the art to provide wherein the electronics in the shell allow for a wireless connection to the personal computer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination by specifically providing wherein the electronics in the shell allow for a wireless connection to the personal computer, for the purpose of data communication with the pbx.

Regarding **claim 6**, combination disclose everything claimed, as applied above, (see claim 1), however, the combination fails to disclose an Ethernet card. However, the examiner takes official notice of the fact that it was well know in the art to provide an Ethernet card.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination by specifically providing an Ethernet card, for the purpose of data communication with the pbx LAN.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is (703) 306-5836. The examiner can normally be reached on Monday-Friday 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



JFH
June 30, 2002



FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700